### **DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"METHOD AND ARRANGEMEN	T FOR POSITIONING A F THERAPY DEVICE	PATIENT IN A MEDICAL DIAGNOSIS OR E"
Case No. <u>P03,0242</u> , the specification	of which	
(check one)	is attached hereto. was filed on, as Application Serial No. and was amended on _ (if applicable)	<del></del>
I hereby state that I have reincluding the claims as amended by an	eviewed and understand the y amendment referred to about	contents of the above identified specification, ve.
I acknowledge the duty to dis to be material to the patentability of 1.56(a).	close to the United States Pat this application in accordance	tent Office all information which is known to me ce with Title 37, Code of Federal Regulations,
before my or our invention thereof, or our invention thereof or more than one in the United States of America more t been patented or made the subject of country foreign to the United States of more than twelve months prior to this invention has been filed in any country legal representatives or assigns, except	patented or described in any year prior to this application han one year prior to this application from inventor's certificate iss. America on an application from application, and that no appliforeign to the United States of as identified below:	known or used in the United States of America printed publication in any country before my or n, that the same was not in public use or on sale plication, and I believe that the invention has not sued before the date of this application in any led by me or my legal representatives or assigns ication for patent or inventor's certificate on this of America prior to this application by me or my
patent or inventor's certificate listed be	benefits under Title 35, Uni low	ited States, 119 of any foreign application(s) for
Prior Foreign Application(s) Number	Country	Date
102 32 676.2	Germany	July 18, 2002
and have also identified below any forethat of the above listed application on v	eign application for patent or which priority is claimed:	inventor's certificate having a filing date before
Prior Foreign Application(s) Number	Country	Date
(b) Under this section, information is materia	I to patentability when it is not cun	nulative to information already of record or being made of

(i) Opposing an argument of unpatentability relied on by the Office, or

record in the application, and

<sup>(1)</sup> It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

<sup>(2)</sup> It refutes, or is inconsistent with, a position the applicant takes in:

<sup>(</sup>ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s) Number

Country

Date

And I hereby appoint all Attorneys identified by United States Patent & Trademark Customer Number 26574, who are all members of the Firm Schiff Hardin & Waite, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

# SCHIFF HARDIN & WAITE Patent Department 6600 Sears Tower Chicago Illinois 60606 6473

Chicago, Illinois 60606-6473
CUSTOMER NUMBER 26574

Direct Telephone Number for

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with th knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:	DIETER CHEREK	
Inventor's signature: Residence: Citizenship: Post Office Address:	Hirschaid, Germany Germany Ginsterweg 23 96114 Hirschaid, Germany	
Full name of second joint inventor,		
(If any):	ROBERT KAGERMEIER	
Inventor's signature:	Ald Thoras	_Date:
Residence:	Nürnberg, Germany	
Citizenship:	Germany	
Post Office Address:	Ebermannstädter Str. 14	
	90427 Nürnberg, Germany	
Full name of third joint income.		
Full name of third joint inventor, (If any):	MICHAEL LOCED	
(II ally).	MICHAEL LOSER	
Inventor's signature:	> dichael from	_Date: <u> </u>
Residence:	Erlangen, Germany	
Citizenship:	Austria	
Post Office Address:	Aufsessstr. 1	
	91052 Erlangen, Germany	
Full mama of family in its invest		
Full name of fourth joint inventor, (If any):	DONAL MEDLAR	
(It any).	DONAL MEDLAR	
Inventor's signature:	Horal Medler	_Date: <u>&gt; 17.7.03</u>
Residence:	Weisendorf, Germany	
Citizenship:	Germany	
Post Office Address:	Am weissen Berg 38	
	91085 Weisendorf, Germany	

rull name of fifth joint inventor,			
(If any):	HENDRIK STEINMANN		
Inventor's signature: Residence: Citizenship:	Worms, Germany	Date:	
	Germany	,	
Post Office Address:	Berggartenstraβe 8		
	67547 Worms, Germany		
Full name of sixth joint inventor, (If any):	UWE URMONEIT		
Inventor's signature:		Date:	
Residence:	Gerhardshofen, Germany		
Citizenship: Post Office Address:	Germany		
	Herbstwiese 39		
	91466 Gerhardshofen, Germany		

CH1\4018127.1

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Case No. <u>P03,0242</u> , the specific	cation of w	hich	
(check one)		is attached hereto. was filed on, a Application Serial No and was amended on (if applicable)	0
I hereby state that I h including the claims as amended	ave reviev by any an	wed and understand the nendment referred to abo	e contents of the above identified specification ove.
I acknowledge the duty to be material to the patentabili 1.56(a).	to disclose ty of this	e to the United States Pa application in accordan	atent Office all information which is known to make with Title 37, Code of Federal Regulations
our invention thereof or more the in the United States of America a been patented or made the subjection to the United States more than twelve months prior to invention has been filed in any collegal representatives or assigns, experience of the control of the	an one year more than ect of an tes of Amo this appl buntry fore except as ic	or prior to this application one year prior to this applicate is inventor's certificate is erica on an application sication, and that no application to the United States dentified below:	y printed publication in any country before my or on, that the same was not in public use or on sall pplication, and I believe that the invention has not said before the date of this application in any filed by me or my legal representatives or assign polication for patent or inventor's certificate on this sof America prior to this application by me or my finited States, 119 of any foreign application(s) for
Prior Foreign Application	on(s)	Country	Date
102 32 676.2		Germany	July 18, 2002
and have also identified below are that of the above listed application	ny foreign n on whic	application for patent on priority is claimed:	or inventor's certificate having a filing date before
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# SCHIFF HARDIN & WAITE Patent Department

6600 Sears Tower Chicago, Illinois 60606-6473

### **CUSTOMER NUMBER 26574**

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Full name of sole or first inventor:	DIETER CHEREK	
Inventor's signature: Residence: Citizenship: Post Office Address:	<u>Hirschaid, Germany</u> <u>Germany</u>	Date:
Full name of second joint inventor, (If any):	ROBERT KAGERMEIER	-
Inventor's signature: Residence: Citizenship: Post Office Address:	Nürnberg, Germany Germany	· · · · · · · · · · · · · · · · · · ·
Full name of third joint inventor, (If any):	MICHAEL LOSER	
Inventor's signature: Residence: Citizenship: Post Office Address:	Erlangen, Germany Austria	
Full name of fourth joint inventor, (If any):	DONAL MEDLAR	
Inventor's signature: Residence: Citizenship: Post Office Address:	Weisendorf, Germany Germany	

Full name of fifth joint inventor,	
(If any):	HENDRIK STEINMANN
Inventor's signature: Residence: Citizenship: Post Office Address:	Worms, Germany  Germany  Berggartenstraße 8  67547 Worms, Germany
Full name of sixth joint inventor, (If any):	UWE URMONEIT
Inventor's signature: Residence:	Date:
Citizenship:	Gerhardshofen, Germany
Post Office Address:	Germany
	Herbstwiese 39
	91466 Gerhardshofen, Germany

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	THERAPY DEVICE"	II WILL DINIGHOUS ON
Case No. <u>P03,0242</u> , the specification of wh	nich	
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before my or our invention thereof, or patent our invention thereof or more than one year in the United States of America more than of been patented or made the subject of an it country foreign to the United States of America more than twelve months prior to this application invention has been filed in any country foreitlegal representatives or assigns, except as idea. I hereby claim foreign priority benefits	prior to this application, that the sar one year prior to this application, and inventor's certificate issued before the rica on an application filed by me or cation, and that no application for par gn to the United States of America pri	cation in any country before my or ne was not in public use or on sale I believe that the invention has not he date of this application in any my legal representatives or assigns tent or inventor's certificate on this rior to this application by me or my
patent or inventor's certificate listed below	,	is and a series of the series
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Inventor's signature: Residence: Citizenship: Post Office Address:	Nürnberg, Germany  Germany  Ebermannstädter Str. 14  90427 Nürnberg, Germany
Full name of third joint inventor, (If any):	MICHAEL LOSER
Inventor's signature: Residence: Citizenship: Post Office Address:	Erlangen, Germany Austria Aufsessstr. 1 91052 Erlangen, Germany
Full name of fourth joint inventor, (If any):	DONAL MEDLAR
Inventor's signature: Residence: Citizenship: Post Office Address:	Weisendorf, Germany Germany Am weissen Berg 38 91085 Weisendorf, Germany

Full name of fifth joint inventor, (If any):	HENDRIK STEINMANN		
Inventor's signature: Residence: Citizenship: Post Office Address:	Worms, Germany Germany Berggartenstraße 8 67547 Worms, Germany	Date: _	
Full name of sixth joint inventor, (If any):	UWE URMONEIT		
Inventor's signature: Residence: Citizenship: Post Office Address:	Gerhardshofen, Germany Germany Herbstwiese 39 91466 Gerhardshofen, Germany	Date:	15 Aug. 2003

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